

FOGLAND BEACH OVERSIGHT COMMITTEE

Regular Meeting Minutes 14 June 2006

Members present: T. Ramotowski (Chairman, Conservation Commission), D. Merriman (Neighborhood Representative), J. Cook (Chairman, Recreation Commission), D. Webster (Director of Public Works) and G. Steckman (Town Administrator).

Also present: R. Martin and C. Ferreira

Chairman Ramotowski called the meeting to order at 5:11 PM at the Tiverton Community Center, 346 Judson Street.

I. Approval of Minutes

Chairman Ramotowski stated that he had not had not yet prepared the minutes for the April 12, 2006 regular meeting and the May 19, 2006 inspection tour, so this item will have to be deferred to the next regularly scheduled meeting of the Oversight Committee.

II. Public Delegations

There were no public delegations.

III. Long-Term Management Plan for Fogland

- Status of RI-DEM and NRCS Grant Applications

Chairman Ramotowski nothing official had yet been received from NRCS regarding the status of the grant application filed on behalf of the Oversight Committee some months ago.

- Possible New Sources for Funding

Chairman Ramotowski outlined a possible new plan for obtaining funding for the Fogland survey efforts. The Town of Tiverton is required by RI-DEM under the Stormwater II initiative to map the location of all of its storm water outflows to Narragansett Bay by GPS. Right now, there is money in the Town's budget to do this, but it is a task that could be done by a group of volunteers who are knowledgeable with GPS. If such a group of volunteers could be located/trained, then the money in the Town budget for this task might be made available for a different task. Approval from the Town Council would be needed to use the money for any other purpose.

Mr. Steckman stated that the money in the Town budget under the "GPS" line item is not for the Stormwater Phase II efforts. It is intended to help pay for a general GPS system for use in the Town. Chairman Ramotowski stated the money he was referring to was different – it was in the DPW's budget. Mr. Webster stated that there is some money in the DPW's budget for next year for Stormwater Phase II efforts, but it was cut and is probably not even adequate for what needs to be done. The money is not just for the mapping requirement – it pays for all of the Stormwater Phase II requirements including report writing. Mr. Steckman suggested that if money was needed for mapping at Fogland the Oversight Committee should submit a budget request for the funds later this year when work on the 2007-2008 Town budget will begin.

IV. Resetting of Boulders at Cul-de-Sac Road and Windsurfer Beach

Chairman Ramotowski noted that strong storms this past winter had undermined a number of boulders at both the windsurfer beach and at the end of the cul-de-sac road. Some of the boulders had sunk so far into the sand that they no longer present a credible barrier to vehicular traffic. Chairman Ramotowski asked for the concurrence of the Oversight Committee to send an application to CRMC seeking a FONSI/permission to re-set the affected boulders. Mr. Webster stated that re-setting the boulders is not a simple task – some excavation for each boulder will be necessary. Even if permission were to be received from the CRMC, it would take some time and effort to do the work, and probably could not be fitted into the DPW's work schedule until the fall. Mr. Martin suggested that a request to re-grade the cul-de-sac road should be included in the same application to the CRMC. Chairman Ramotowski stated that such an addition would not be advisable, because the CRMC does not consider the cul-de-sac road to be necessary, and its ultimate fate has not yet been determined by the Town.

Mr. Webster reminded the Oversight Committee that the fate of the road had been discussed a few months ago. Both the Police Chief and the Fire Chief had indicated that the road was not necessary for emergency access purposes. Thus, there is not reason why the road could not be abandoned.

Mr. Ferreira suggested erecting signs at the end of the windsurfer beach stating that no vehicles were allowed beyond this point. This could be done instead of moving boulders around. Chairman Ramotowski noted that there already are some signs at various locations at Fogland similar to what Mr. Ferreira had just proposed. However, nothing works better in keeping vehicles out of the marshes and off of the beach than actual barriers. In addition, the CRMC indicated that the erection of new signs at the beach would require its permission, both for the location, and the actual wording. Mr. Steckman stated that he favored the erection of signs, because the presence of such signs would make it much easier for the Police Department to cite any violators. Mr. Steckman also suggested

that the Town could explore the possibility of getting a small amount of grant money from RI-DEM or other sources to pay for such signs, and possibly the boulder re-retting work.

Mr. Webster noted that re-setting boulders was one of the items on the list of routine maintenance activities that had been approved by the Oversight Committee and the various boards and commissions some time ago. Thus, a FONSI application to seek permission to do the work would not need any additional approvals from either the Oversight Committee or the Town Council (because the Town Council had previously approved the list). Chairman Ramotowski stated that he would take action to pursue this matter further with the CRMC, and asked Mr. Webster for a copy of the FONSI applications he had filed for the repair of the picnic table and other work at Fogland. Mr. Webster stated that he would send a copy of the applications to Chairman Ramotowski.

V. Overnight Camping on Fogland Beach

Mr. Merriman reported that overnight camping had occurred at Fogland over the Memorial Day holiday, despite the fact that it is not permitted under Chapter 54 of the Town Code. Mr. Merriman stated that there was a general lack of enforcement of the rules and regulations for Fogland by the Police Department. Mr. Steckman stated that a public road leads through Fogland and the Town cannot restrict access through the parcel because there are private residences at the western end of the peninsula. Mr. Steckman stated that he would ask the Police Department to try to patrol more frequently at Fogland. Mr. Steckman stated that the Town needed to post all of the rules that were in effect at Fogland at the site so that people know what is and is not permitted. Posting the rules will also help the Police with enforcement. The applicable rules change from location to location and facility to facility in Town – thus, people may not be aware what is prohibited at Fogland. It is very important that the rules for Fogland be posted.

Chairman Ramotowski noted that the previous Town Solicitor had issued a written opinion that it was not necessary to post all the rules first in order to hold violators accountable. Mr. Steckman stated that it would be helpful for the enforcement side to have the rules posted – people could not claim ignorance when cited for infractions. Mr. Merriman stated that additional police patrols were needed at Fogland – more patrols at more frequent intervals, especially at night. Mr. Steckman noted that additional patrols were not possible at this time due to police manpower constraints. Mr. Martin suggested eliminating the rules that prohibit camping at Fogland. If camping were allowed, the Town could charge people for overnight camping and make some money from it. Mr. Ramotowski stated that the camping prohibition originates from zoning regulations – camping is not a permitted use in the zone (R-60) in which Fogland is located. Thus, changing the rules, even if people wanted to do so, would not be easy.

Mr. Merriman asked if the Recreation Commission had given any special permits for camping at Fogland. Mr. Cook stated that it had not, nor would it grant any if someone applied. Chairman Ramotowski stated that it was unclear who or what could issue the special permits for camping at Fogland mentioned in Chapter 54 of the Town Code. Because the prohibition actually comes from zoning regulations, it is possible that any such special permit would have to be issued by the Zoning Board of Appeals, rather than the Recreation Commission.

VI. Use of Fogland Beach for Large Gatherings and Commercial Purposes

Mr. Steckman stated that the Town Solicitor is still working on a draft regulation that will cover the use of all Town Facilities for private and commercial purposes. The draft regulation is not yet ready to be distributed for discussion and comments. It will be worked on over the summer. Other Towns do obtain money from people and organizations that utilize Town facilities for commercial purposes, and the new regulation in preparation will address that. The issue of liability insurance will also be addressed.

Mr. Cook stated that it is the policy of the Recreation Commission that any request from outside groups to use recreation facilities will be forwarded to the Town Council for approval. If the activity will occur under the sponsorship of a Town agency (e.g., swimming lessons sponsored by the Recreation Commission) then no such permission is needed. Mr. Steckman agreed that there is a difference if the event is Town sponsored or not. If it is sponsored by a Town agency, then the Town's liability insurance through the Inter-Local Trust would cover the event. If the event is not sponsored by a Town agency, then the sponsoring activity is required to provide liability insurance coverage, and the Town needs to make sure such coverage is provided.

Mr. Merriman asked if any large activities had been approved recently for Fogland. Mr. Cook stated that no formal requests had been received for any activities at Fogland.

VII. Status of Routine Maintenance Activities/Permission from CRMC

There was nothing new to report concerning this topic.

VIII. Consolidated Listing of Rules and Regulations for Fogland

Mr. Cook stated that the Recreation Commission was working on this and should have something for the Oversight Committee at its next regular meeting.

IX. Beach Fee – Origin and Comparison with Other Towns

Mr. Cook stated the Recreation Commission had discussed beach fees at a recent meeting and had voted not to increase the fees for this year. Mr.

Steckman stated that he was working with the Town Solicitor to remove all fees from the Town Code. This will allow the Town Council to change the fees without triggering the need for a costly re-codification of the Town Code. The plan is for the Town Council to review all fees on an annual basis.

X. Dingy Dock at the Wind-Surfer Beach

Chairman Ramotowski noted that Mr. Carr, the Oversight Committee's representative from the Harbor Commission, was not in attendance. The dingy dock was a proposal of the Harbor Commission. Mr. Cook stated that the Recreation Commission had discussed this proposal and the Commission was not in favor of it. Chairman Ramotowski noted that the Conservation Commission also viewed the proposal unfavorably.

XI. Miscellaneous Committee Member Items

Mr. Merriman noted that in a recent article about area beaches, the *Providence Journal* had indicated that there were concessions available at Fogland. Mr. Steckman stated that the error probably originated with the State Tourism Office, and that he would call them to make sure they have the correct information for Fogland.

Mr. Merriman stated that jet skis were becoming a real nuisance at Fogland, but there were no regulations or signs banning them. Interestingly, however, there is a sign posted on the fence near the gate at Grinnell's Beach that prohibits jet skis. Mr. Cook and Mr. Martin stated that the sign at Grinnell's Beach had been posted by the Harbor Commission, not the recreation Commission. Mr. Steckman stated that he would look into this issue – perhaps there is a RI-DEM rule or CRMC rule that prohibits jet skis in that area.

XII: Correspondence:

No other items of correspondence had been received, other than those already discussed during the meeting.

XIII. Adjournment

There being no further business to discuss, the 14 June 2006 meeting of the Fogland Oversight Committee adjourned at 6:30 PM.

These minutes were prepared by T. Ramotowski.